



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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September 2, 2020

**BY ECF**

Honorable Barbara Moses  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: Marc Ameruso v. City of New York, et al.  
15 Civ. 3381 (RA) (BCM)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent Defendants City of New York, Police Officer Marvin Johnson, Police Officer Mildred Velez, Police Officer John Shapiro, and Sergeant Jesse Pinto in the above-referenced matter. Defendants write to respectfully request that the Settlement Conference scheduled for September 9, 2020 be adjourned *sine die*. Plaintiff's counsel, Bryan J. Swerling, Esq., consents to this request.

On August 31, 2020, pursuant to the Court's July 30, 2020 Order, Defendants contacted Plaintiff to convey their good faith settlement offer, and the parties engaged in a discussion about the possibility of settlement. Unfortunately, the parties presently believe that they remain too far apart for the upcoming conference to be a meaningful one that could resolve this matter. As such, the parties do not wish to waste their time or the Court's time preparing for and attending the upcoming settlement conference. For these reasons, Defendants, with Plaintiff's consent, respectfully request that the September 9, 2020 settlement conference be adjourned *sine die*.

In the event that the parties' settlement positions later change and believe that a settlement conference might be fruitful, we respectfully request leave to inform the Court at such time so that we may schedule a settlement conference. Until then, the parties are prepared to proceed to trial once the pandemic concludes and jury trials resume in the Southern District.

Defendants thank the Court for its time and attention to this matter.

Respectfully submitted,



John L. Garcia  
*Assistant Corporation Counsel*

cc: Bryan J. Swerling, Esq.  
*Attorney for Plaintiff*

Application GRANTED to the extent that the settlement conference scheduled for September 9, 2020 at 2:15 p.m. shall instead be a counsel-only settlement-related conference. Party representatives need not attend. The dial-in information remains the same. (Dkt. No. 138 ¶ 6.)



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Barbara Moses, U.S.M.J.  
September 8, 2020